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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------|-------------|----------------------|-------------------------|------------------|
| 09/393,718 | 09/10/1999 | FARZAD NAZEM | 17887-3-IUS | 3195 |
| 7590 | 11/25/2005 | | EXAMINER | |
| PHILIP H ALBERT | | | NGUYEN, CINDY | |
| TOWNSEND AND TOWNSEND AND CREW LLP | | | ART UNIT | PAPER NUMBER |
| TWO EMBARCADERO CENTER | | | | |
| 8TH FLOOR | | | 2161 | |
| SAN FRANCISCO, CA 941113834 | | | DATE MAILED: 11/25/2005 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/393,718 | NAZEM ET AL. | |
| | Examiner | Art Unit | |
| | Cindy Nguyen | 2171 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08/19/05.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 10--28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 10-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Disposition of Claims

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 September 1999 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. Z | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

This is in response to communication filed 08/19/05.

Response to Arguments

Applicant's arguments fully considered but they are not persuasive.

Response to applicant's argument on page 8-10 filed 08/19/05, D'Arlach clearly discloses storing a web site in a directory as storing a user specific template in a database indexed by a user identifier unique to the user at col. 4, lines 56, web site means creating a home page (a user specific template) and stored in the server computer as database files and the user then customized or edits the working copy of the template which is the user's site (specific template) (col. 5, lines 18-20) after customizing, the user name the web site (homepage) at this point, the web site has existed as a database structure within the server, when CGI program publishes the site, also triggers an indexer program with automatically indexes the content of the published site to sorted order by keywords (col. 6, lines 44-63). D'Arlach clearly discloses retrieving a stored template program specific to the user in the data structure using the determined user identifier associated with the request as using the indexing feature to enable a user to enter a search query to easily find specific information in the web site (col. 6, lines 61 to col. 7, lines 25).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

Art Unit: 2161

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10, 19 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claims 10, 19 and 20, The claims contain subject matter "data structure indexed" which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-4 and 19-24 are rejected under 35 U.S.C. 102(e) as being anticipated by D'Arlach et al. (US 6026433).

Regarding claim 10, D'Arlach discloses: In the page server coupled to a network, a method of providing a customized page to a user, wherein the customized page is customized according to the user's preferences (col. 2, lines 30-50, D'Arlach), the method comprising the steps of:

obtaining real-time information from information sources (as news in fig. 12 and corresponding text, D'Arlach);

storing the real-time information in a storage device (202, fig. 2 and corresponding text, D'Arlach);

storing a user specific template program for the user in a data structure indexed by a user identifier unique to the user (col. 5, lines 18-20 and col. 6, lines 44-63);

receiving, from the user and at the page server a user request for a customized page (col. 6, lines 61 to col. 7, lines 25), and

determining a user identifier associated with the request (col. 10, lines 40-50, D'Arlach);

retrieving a stored template program specific to the user in the data structure using the determined user identifier associated with the request (col. 10, lines 40-50, D'Arlach);

providing the user with the customized page includes at least one item of real time information selected from the storage device (6, lines 36-44, D'Arlach).

executing the template program specific to the user using the real-time information stored in the storage device as input to the template program to generate the customized page, wherein the template program indicates items of interest to the user (col. 5, lines 46-65, D'Arlach).

As per claim 11, the limitations of this claim have been noted in the rejection of claim 10.

Applicant's attention is directed to the rejection of claim 10 above. In addition, D'Arlach discloses further including prior to the step of receiving the user request the steps of caching the template program in a storage location local to the page server (col. 4, lines 1-51 and 202, fig. 2, D'Arlach).

Regarding claim 12, the limitations of this claim have been noted in the rejection of claim 10. Applicant's attention is directed to the rejection of claim 10 above. In addition, D'Arlach discloses: further comprising the step of receiving user preferences for the user, wherein the user preferences indicate the items of interest to the user and combining the user preferences with a generic template to form the template program specific to the user (see col. 6, lines 1-60, D'Arlach).

Regarding claim 13, the limitations of this claim have been noted in the rejection of claim 12. Applicant's attention is directed to the rejection of claim 12 above. In addition, D'Arlach discloses: further including the step of providing the template program specific to the user to the page server (col. 6, lines 61 to col. 7, lines 3, D'Arlach).

Regarding claim 14, the limitations of this claim have been noted in the rejection of claim 12. Applicant's attention is directed to the rejection of claim 12 above. In addition, D'Arlach discloses: wherein the page server performs the step of combining the user preferences with the generic template (col. 6, lines 44-60, D'Arlach).

Regarding claim 19, all the limitations of this claim have been noted in the rejection of claim 1. In addition, D'Arlach discloses: obtaining user preferences for the plurality of users, wherein a user's user preferences indicate items of interest to that user (fig. 6, col. 6, lines 1-20, D'Arlach); each of the plurality of users , combining the user preferences for a specific user and a template to form a template program specific to the user at the page server (col. 4, lines 59 -67, D'Arlach).

Regarding claim 20, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, D'Arlach discloses: a second template program specific to the second user (col. 4, lines 59 -67, D'Arlach) using the real time information stored in the storage device as input to the second template program to generate a second customized page for a second user (col. 4, lines 59 -67, D'Arlach).

Regarding claims 21-24, most the limitations of these claims have been noted in the rejection of claims 13-18, and 20 above respectively. It is therefore rejected as set forth above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-18 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Arlach et al. (US 6026433) in view of Gerace (U.S 5848396).

Regarding claims 15 and 25, D'Arlach disclose all the limitations of these claims have been noted in the rejection of claims 10 and 20 above, respectively. However D'Arlach didn't disclose: wherein the real-time information comprises stock quotes, sports scores and news headlines. On the other hand Gerace discloses: wherein the real-time information comprises stock quotes, sports scores and news headlines (see col. 6, lines 22-40, Gerace). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the steps wherein the real-time information comprises stock quotes, sports scores and news headlines in the system of D'Arlach as taught by Gerace. The motivation being to enable the system display real time information includes stock information, advertisements, sports statistics, weather reports and the like base on the user interest when create the user specific template.

Regarding claims 16 and 26, all the limitations of these claims have been noted in the rejection of claims 10 and 20 above, respectively, In addition, D'Arlach/Gerace discloses: further comprising a step of generating a default user configuration for the user based on demographic information of the user (see col. 6, lines 5-7, Gerace).

Regarding claims 17 and 27, all the limitations of these claims have been noted in the rejection of claims 16 and 26 above, respectively, In addition, D'Arlach/Gerace discloses: wherein the step of generating a default user configuration comprises the steps of: determining a default list of cities for a weather report based on user demographic information (see col. 8, lines

52-57, Gerace); and determining one or more sports teams for sports reporting based on user demographic information (see col. 8, lines 15-25, Gerace).

Regarding claims 18 and 28, all the limitations of these claims have been noted in the rejection of claims 16 and 26 above, respectively. In addition, D'Arlach/Gerace discloses: wherein the steps of determining comprise the steps of: obtaining user postal code information (see col. 21, lines 41-43, Gerace); translating the postal code information to user geographic position (see col. 21, lines 41-49, Gerace); comparing the user geographic position to geographic positions assigned to each city (see col. 22, lines 10-12, Gerace); and sports team (see col. 21, lines 65 to col. 22, lines 5, Gerace); and determining a threshold distance from the user geographic position which is greater than or equal to a distance to a predetermined nonzero number of cities and a predetermined nonzero number of sports team geographic positions "(see col. 31, lines 2-7, Gerace).

1. Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Art Unit: 2161

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cn

Cindy Nguyen

November 17, 2005

Frantz Coby
FRANTZ COBY
PRIMARY EXAMINER